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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,779	02/18/2004	Timothy S. Vraa	81500A/SLP	2740

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EXAMINER

GRAY, DAVID M

ART UNIT	PAPER NUMBER
2851	

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/780,779

Applicant(s)

VRAA ET AL.

Examiner

David M Gray

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/18/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claim Objections

Claim 22 is objected to because of the following informalities: The claim limitation “wherein the transponder is disposed on the outside of the light-tight package” renders the claim indefinite. Claim 21 requires “the transponder is disposed on the inside of the light-tight package.”. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lemberger et al. in view of Purcell et al.

Regarding claim 14, Lemberger et al. disclose “a support member [12] which includes a supply area [20] for holding a plurality of sheet media [col 3, lns 12-16].” Lemberger et al. disclose “recess 40 is configured to receive an information bearing medium such as a bar code which includes recorded information pertaining to the characteristics of film with cartridge 12’, col 4, lns 5-9. Lemberger et al. does not disclose “a radio-frequency identification transponder disposed on or inside the support member and which can be communicated with while the sheet media are removed from the supply area, with or without physical contact with the transponder, and which stores relevant digital data, wherein the transponder remains on or inside the support member until removal of all of the sheet media.”

Purcell et al. teach providing a radio frequency identification tag (or bar code label, col 9, lns 4-8) that stores media data on a supply of media. It would have been obvious to one of ordinary skill at the time of applicant's invention to substitute a radio frequency identification tag in place of the bar code. One would have been motivated to so modify Lemberger in order to provide for dynamic storage of data related to the media stored in the supply area. And in order to provide a non-contact data retrieval means for the recording media.

Regarding claims 15 and 17, substituting the RF tag of Purcell et al. for the bar code located at 40 of Lemberger would result in "the transponder is disposed on the support member beneath the plurality of sheet media."

Regarding claims 16 and 18, it would have been obvious to place the RF tag "on the side of the support member" or "on top of the plurality of sheet media" as the function of the RF tag would not be altered by such a location.

Regarding claim 19, Purcell et al. disclose "the transponder stores digital data representing one or more of the following: media type information, media sheet count information, media performance information, media sensitometric information, messages for customers, sales or service personnel, upgrade software for the apparatus, software parameters for the apparatus, packaging recycle data, apparatus performance optimization information, or machine error information [col 9, lns 35-40]."

Regarding claim 20, Purcell et al. disclose "the digital memory is a read-only or a read/write memory [col 9, lns 9-24]."

Regarding claim 21, Lemberger et al. disclose “the package system is a light-tight package.” And substituting the RF tag of Purcell et al. for the bar code located at 40 of Lemberger would result in “the transponder is disposed on the inside of the light-tight package.”

Regarding claim 22 (treated as if dependent upon claim 14), it would have been obvious to place the RF tag “on the outside of the light-tight package” as the function of the RF tag would not be altered by such a location.

Regarding claim 23, Purcell et al. disclose “the support member is a cartridge, and the transponder stores digital data representing one or more of the following: cartridge manufacturing history, cartridge recycling data, cartridge error codes [col 9, lns 9-24].”

Regarding claim 24, Lemberger et al. disclose “a package [12] which holds a plurality of sheet media defining a stack [col 3, lns 12-16].” Lemberger et al. does not disclose “a radio-frequency identification transponder disposed inside the package on a support and which can be communicated with while the sheet media are individually removed from the stack, with or without physical contact with the transponder, and which stores relevant digital data, wherein the transponder remains disposed on the support until all the sheet media are removed from the stack.”

Purcell et al. teach providing a radio frequency identification tag (or bar code label, col 9, lns 4-8) that stores media data on a supply of media. It would have been obvious to one of ordinary skill at the time of applicant's invention to substitute a radio frequency identification tag in place of the bar code. One would have been motivated to so modify Lemberger in order to provide for dynamic storage of data related to the media stored in the supply area. And in order to provide a non-contact data retrieval means for the recording media.

Regarding claim 25, substituting the RF tag of Purcell et al. for the bar code located at 40 of Lemberger would result in “the support is located beneath the stack, and the support remains beneath the stack until all the sheet media are removed from the stack.”

Regarding claim 26, it would have been obvious to place the RF tag such that “the support is located within or on top of the stack, and the support remains within or on top of the stack until all the sheet media are removed from the stack” or “the support is a sheet [22]” as the function of the RF tag would not be altered by such a location.

Regarding claim 27, Lemberger et al. disclose “the package is light-tight.”

Regarding claim 29, Lemberger et al. disclose “a plurality of sheet media [col 3, lns 12-16].” Lemberger et al. disclose “a package [12] having a holding area [20] for holding the stack and an opening through which to remove the stack from the enclosure [col 7, lns 56-59]; and a supply drawer [14] having a supply area adapted to receive the stack when removed from the package, an egress through which the plurality of sheet media can be individually removed from the supply drawer.” Lemberger et al. does not disclose “a radio-frequency identification transponder disposed on a support and which stores relevant digital data, the support and the plurality of sheet media defining a stack” or “a transceiver which can communicate with the transponder with or without physical contact with the transponder while the sheet media is individually removed from the supply drawer through the egress, and wherein the support remains in the supply area until removal of all the sheet media from the supply drawer.”

Purcell et al. teach providing a radio frequency identification tag (or bar code label, col 9, lns 4-8) that stores media data on a supply of media. And a radio frequency transceiver in the equipment using the media to receive data from the RF tag. It would have been obvious to one

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of ordinary skill at the time of applicant's invention to substitute a radio frequency identification tag in place of the bar code. One would have been motivated to so modify Lemberger in order to provide for dynamic storage of data related to the media stored in the supply area. And in order to provide a non-contact data retrieval means for the recording media.

Regarding claim 30, Lemberger et al. disclose “a plurality of sheet media[col 3, lns 12-16]; a support member [40], the plurality of sheet media and the support member defining a stack; a package [12] which holds the stack and has an opening [col 7, lns 56-59] through which to remove the stack from the package.” Lemberger et al. does not disclose “a radio-frequency identification transponder disposed on the support member which stores relevant digital data and which can be communicated with while the sheet media are being individually removed from the stack, with or without physical contact with the transponder, when the stack is removed from the enclosure, wherein said transponder on the support member remains disposed beneath the plurality of sheet media until all the sheet media is removed from the stack. .”

Purcell et al. teach providing a radio frequency identification tag (or bar code label, col 9, lns 4-8) that stores media data on a supply of media. It would have been obvious to one of ordinary skill at the time of applicant's invention to substitute a radio frequency identification tag in place of the bar code. One would have been motivated to so modify Lemberger in order to provide for dynamic storage of data related to the media stored in the supply area. And in order to provide a non-contact data retrieval means for the recording media.

Regarding claim 31, substituting the RF tag of Purcell et al. for the bar code located at 40 of Lemberger would result in “the transponder is disposed beneath the plurality of sheet media.”

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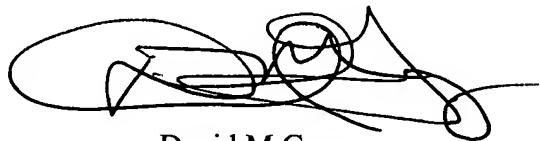
Regarding claim 32, it would have been obvious to place the RF tag "on a side of the support member" as the function of the RF tag would not be altered by such a location.

The method steps of claims 33-35 are met by the modified Lemberger et al. in view of Purcell et al. as discussed above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David M Gray whose telephone number is 571-272-2119. The examiner can normally be reached on M-T 7:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on 571-272-2258. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'David M Gray', with a large, stylized flourish extending to the right.

David M Gray
Primary Examiner
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